

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ingrid Schemmel et al.

Patent No. : 7,682,417 B2

Issue Date: March 23, 2010

Appl. : 10/830,003

Filed: April 23, 2004

For : COLD WORK STEEL ARTICLE

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705 (d)**

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 37 C.F.R. 1.705(d), Patentee requests reconsideration of the revision to the patent term adjustment indicated in the notice of allowance as indicated on the patent. This request for reconsideration of the Patent Term Adjustment (PTA) indicated in the patent is being filed within two months of the date the patent issued and complies with the requirements of paragraphs (b)(1) and (b)(2) of 37 C.F.R. 1.705. The issues raised herein pertain to the three years to issue guarantee of 35 USC 154(b)(1)(B) and 37 C.F.R. 1.702(b) ("B" type delay) and therefore could not have been raised in an application for patent term adjustment under paragraph (b) of 37 C.F.R. 1.705, and therefore this request is timely presented. In this regard, Patentee is not contesting PTA associated with 35 USC 154(b)(1)(A) ("A" type delay).

Specifically, the PTA on the cover page of U.S. Patent and Trademark Office, issued March 23, 2010, is incorrectly indicated as 1521 days when, in fact, the PTA should be 1646 days for the reasons which follow.

The fee set forth in § 1.18(e) is being presented with this submission.

A statement of the facts is specified below:

The PTO has calculated 1165 days of PTA in the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) mailed with the Notice of Allowance on November 12, 2009. This includes 1198 days of PTO delay (including 615 days for mailing an Office Action on February 28, 2007 after the fourteenth month from filing (on April 23, 2004) of June 23, 2004, the Appeal period of 583 days from filing the Notice of Appeal on December 10, 2007 until the mailing of the Board of Patent Appeals and Interferences Decision on July 14, 2009, Applicants' delay of 1 day for filing the response to the February 28, 2007 Office Action on May 29, 2007, and 32 days for filing the Notice of Appeal on December 10, 2007 to the Final Office Action mailed August 8, 2007). A copy of the Patent Term Adjust printed from PAIR is attached showing these calculations of the PTO.

With respect to the three year to issue guarantee of 35 USC 154(b)(1)(B) and 37 C.F.R. 1.702(b) and in accordance with 37 C.F.R. 1.703(b), the period of adjustment begins on April 24, 2007, which is one day after three years after the filing of the application on April 23, 2004 until the issuance of the patent on March 23, 2010 for 1064 days, but does not include (37 C.F.R. 702(b)(4)) the number of days in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed on December 10, 2007 and ends with the

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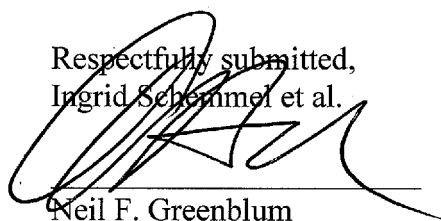
mailing of the decision (which the Patent and Trademark Office has indicated is the mailing date of the decision on appeal) on July 14, 2009 for 583 days. Thus, a portion of the greater than three year period has the same calendar days with the appeal, and this portion of 583 days is subtracted from the 1064 days for a total of 481 days of "B" type delay.

The patent is not subject to a Terminal Disclaimer.

Payment in the amount of \$200.00 to cover the fee set forth in 37 C.F.R. § 1.18(e) for filing an application for patent term adjustment is enclosed herewith. The U.S. Patent and Trademark Office is hereby authorized to credit any overpayment or charge any additional fee to Deposit Account No. 19-0089.

If there are any questions, the undersigned can be reached at the below-listed telephone number.

Respectfully submitted,
Ingrid Schimmel et al.



Neil F. Greenblum
Reg. No. 28,394

May 21, 2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, Va. 20191
(703) 716-1191

Arnold Turk
Reg. No. 33094

10/830,003 COLD WORK STEEL ARTICLE

05-21-
2010::12:33:34**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/830,003

Filing or 371(c) Date:	04-23-2004	USPTO Delay (PTO) Delay (days):	-
Issue Date of Patent:	03-23-2010	Three Years:	-
Pre-Issue Petitions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Petitions (days):	-	Total PTA (days):	1521
USPTO Adjustment(days):	-	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
03-23-2010	PTA 36 Months	356	
03-23-2010	Patent Issue Date Used in PTA Calculation		
02-16-2010	Dispatch to FDC	⬆	
02-04-2010	Application Is Considered Ready for Issue	⬆	
01-29-2010	Issue Fee Payment Verified	⬆	
01-29-2010	Issue Fee Payment Received	⬆	
11-12-2009	Mail Notice of Allowance	⬆	
11-06-2009	Document Verification	⬆	
11-06-2009	Notice of Allowance Data Verification Completed	⬆	
07-14-2009	Electronic Review	⬆	
07-14-2009	Email Notification	⬆	
07-14-2009	Mail BPAI Decision on Appeal - Reversed	583	
07-10-2009	BPAI Decision - Examiner Reversed	⬆	
12-16-2008	Email Notification	⬆	
12-16-2008	Docketing Notice Mailed to Appellant	⬆	
12-13-2008	Assignment of Appeal Number	⬆	
10-15-2008	Appeal Awaiting BPAI Docketing	⬆	
07-30-2008	Mail Reply Brief Noted by Examiner	⬆	
07-25-2008	Reply Brief Noted by Examiner	⬆	
06-16-2008	Date Forwarded to Examiner	⬆	
06-12-2008	Reply Brief Filed	⬆	
04-22-2008	Exam. Ans. Review Complete	⬆	
04-15-2008	Electronic Review	⬆	
04-14-2008	Email Notification	⬆	
04-09-2008	Examiner's Answer to Appeal Brief	⬆	
02-19-2008	Appeal Brief Review Complete	⬆	
02-19-2008	Date Forwarded to Examiner	⬆	
02-07-2008	Appeal Brief Filed	⬆	
01-09-2008	Miscellaneous Incoming Letter	⬆	
12-10-2007	Notice of Appeal Filed		32
12-10-2007	Request for Extension of Time - Granted		⬆

11-26-2007	Email Notification			↑
11-26-2007	Mail Advisory Action (PTOL - 303)			↑
11-20-2007	Advisory Action (PTOL-303)			↑
11-08-2007	Date Forwarded to Examiner			↑
11-07-2007	Amendment after Final Rejection			↑
10-04-2007	Case Docketed to Examiner in GAU			↑
08-09-2007	Electronic Review			↑
08-08-2007	Email Notification			↑
08-08-2007	Mail Final Rejection (PTOL - 326)			↑
08-03-2007	Final Rejection			
06-09-2007	Date Forwarded to Examiner			
05-29-2007	Response after Non-Final Action			1
03-02-2007	Electronic Review			↑
03-01-2007	Email Notification			↑
02-28-2007	Mail Non-Final Rejection	615		
02-20-2007	Non-Final Rejection		↑	
01-10-2006	Information Disclosure Statement considered		↑	
01-23-2007	Case Docketed to Examiner in GAU		↑	
01-10-2006	Reference capture on IDS		↑	
01-10-2006	Information Disclosure Statement (IDS) Filed		↑	
01-10-2006	Information Disclosure Statement (IDS) Filed		↑	
08-25-2005	Case Docketed to Examiner in GAU		↑	
10-19-2004	IFW TSS Processing by Tech Center Complete		↑	
10-19-2004	Case Docketed to Examiner in GAU		↑	
08-20-2004	Request for Foreign Priority (Priority Papers May Be Included)		↑	
09-24-2004	Application Return from OIPE		↑	
09-24-2004	Application Return TO OIPE		↑	
09-24-2004	Application Dispatched from OIPE		↑	
09-24-2004	Application Is Now Complete		↑	
08-20-2004	Additional Application Filing Fees		↑	
08-20-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic		↑	
07-01-2004	Notice Mailed--Application Incomplete--Filing Date Assigned		↑	
05-25-2004	Cleared by OIPE CSR		↑	
04-30-2004	IFW Scan & PACR Auto Security Review		↑	
04-23-2004	Initial Exam Team nn		↑	

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